

Minges, Allison

From: Minges, Josh
Sent: Friday, August 7, 2020 12:16 PM
To: Minges, Allison
Subject: FW: [External] RE: Status Update for Docket 2017-281-E

From: Minges, Josh <Josh.Minges@psc.sc.gov>
Sent: Tuesday, July 7, 2020 4:49 PM
To: Snowden, Ben <BSnowden@kilpatricktownsend.com>; Rebecca J. Dulin <Rebecca.Dulin@duke-energy.com>; richard@rlwhitt.law; Heather Smith <heather.smith@duke-energy.com>; fellerbe@robinsongray.com; Bateman, Andrew <abateman@ors.sc.gov>; Dowdy, Joe <JDowdy@kilpatricktownsend.com>
Cc: Boyd, Jocelyn <Jocelyn.Boyd@psc.sc.gov>; Butler, David <David.Butler@psc.sc.gov>
Subject: Re: [External] RE: Status Update for Docket 2017-281-E

Thanks for the reply everyone. I'll look forward to the update on settlement discussions.

Josh

From: Snowden, Ben <BSnowden@kilpatricktownsend.com>
Sent: Tuesday, July 7, 2020 4:30:32 PM
To: Rebecca J. Dulin <Rebecca.Dulin@duke-energy.com>; Minges, Josh <Josh.Minges@psc.sc.gov>; richard@rlwhitt.law <richard@rlwhitt.law>; Heather Smith <heather.smith@duke-energy.com>; Heather Smith <heather.smith@duke-energy.com>; fellerbe@robinsongray.com <fellerbe@robinsongray.com>; fellerbe@robinsongray.com <fellerbe@robinsongray.com>; Bateman, Andrew <abateman@ors.sc.gov>; Dowdy, Joe <JDowdy@kilpatricktownsend.com>
Cc: Boyd, Jocelyn <Jocelyn.Boyd@psc.sc.gov>; Butler, David <David.Butler@psc.sc.gov>
Subject: [External] RE: Status Update for Docket 2017-281-E

Dear Josh,

Complainants disagree with Duke's position that Act 62 resolves the issues raised in the Complaint. The Complaint seeks an order compelling Duke to enter into PURPA-compliant PPAs with the QFs identified in the complaint. Although Duke now offers PPAs with a contract of 10 years as required by Act 62, it is offering to do so only at current avoided cost rates, rather than rates calculated as of the date those projects incurred legally enforceable obligations under PURPA. Act 62 specifically preserved the existing PURPA rights of QFs established prior to the effective date of the Act. SC Code Ann. 58-41-20(F)(1). Therefore the Complainants' demand for PURPA-compliant PPAs remains unresolved.

That being said, Complainants made a settlement offer to Duke on July 2, 2020, which we understand the Company is considering. We will provide an update if settlement discussions are successful, or if they terminate without an agreement being reached.

Ben Snowden

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From: Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>

Sent: Tuesday, July 7, 2020 12:39 PM

To: Minges, Josh <Josh.Minges@psc.sc.gov>; richard@rlwhitt.law; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; fellerbe@robinsongray.com; fellerbe@robinsongray.com; Bateman, Andrew <abateman@ors.sc.gov>; Snowden, Ben <BSnowden@kilpatricktownsend.com>; Dowdy, Joe <JDowdy@kilpatricktownsend.com>

Cc: Boyd, Jocelyn <Jocelyn.Boyd@psc.sc.gov>; Butler, David <David.Butler@psc.sc.gov>

Subject: RE: Status Update for Docket 2017-281-E

Josh,

Duke continues to believe that Act 62's requirement for Duke to offer power purchase agreements with a 10-year term for all small power producer QFs resolves the underlying issues in this case, as described in Duke's Report to the Commission filed on May 16, 2019 in this docket. Since the enactment of Act 62, Duke has offered to purchase the output from all small power producer QFs with a contract length of 10 years. The PPA governing such purchases of QF power was approved by the Commission in Docket Nos. 2019-185-E and 2019-186-E and was most recently filed by Duke in those dockets on May 15, 2020.

Regards,
Rebecca

From: Minges, Josh <Josh.Minges@psc.sc.gov>

Sent: Thursday, July 2, 2020 2:29 PM

To: richard@rlwhitt.law; Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>; Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; fellerbe@robinsongray.com; fellerbe@robinsongray.com; Bateman, Andrew <abateman@ors.sc.gov>; Snowden, Ben-kilpatricktownsend <BSnowden@kilpatricktownsend.com>; jdowdy@kilpatricktownsend.com

Cc: Boyd, Jocelyn <Jocelyn.Boyd@psc.sc.gov>; Butler, David <David.Butler@psc.sc.gov>

Subject: [EXTERNAL] Status Update for Docket 2017-281-E

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Parties:

Would you please provide a status update on Docket No. [2017-281-E](#).

Thank you.

Josh Minges
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Public Service Commission of South Carolina
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